IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 461 OF 2005

Mr. P.V. Swaminathan ... Applicant

V/s

The State of Maharashtra & Ors. ... Respondents

Mr. Vikas Kamble i/b Mr. A.M. Sarnogi for applicant
Mr. A.M. Shingarpure, APP for the State

Coram : V.M. Kanade, J.
Dated : 29/03/2005.

P.C. :-

. I have heard learned counsel appearing for applicant and APP for the State.

. By this application, the applicant is challenged the order of issuance of process by Metropolitan Magistrate on complaint filed by the complainant under section 138 of Negotiable Instruments Act. The application for quashing the process was filed in the trial court. However, the same was rejected. Against the said order of the learned trial court, the revision application was preferred. The revision application was also dismissed. Thereafter this present application has been filed.

. It is submitted that the applicant was not a Director at the time when the cheques were issued as he had already resigned and, therefore, the applicant is liable to be acquitted. It is not possible to accept the said submission as this fact will have to be established in the trial court after evidence is adduced by both parties. The

complaint was initially filed in the year 1996 that means more than 8 years have been passed after filing of the complaint. I do not find any reasons to interfer with the order of issuance of process.

. It is further clarified that all the questions raised in this application are kept open. The trial court is directed to consider all these questions on merits and in accordance with law after evidence is adduced by both parties and to decide the case as expeditiously in any case within a period of 6 months.Application is disposed of in above terms.

(V.M. Kanade, J.)